

1649-0008

REMARKS

Reconsideration of the present application is requested. All of the claims have been rejected as obvious in view of the patent to Hall in combination with the secondary references of Lum and Rodebaugh. The patent of Rausch was added in the rejection of claims 9-18, the Komiya reference was combined in the rejection of claims 20-27, 37 and 43, and both Rausch and Komiya were added in the rejection of claims 28-36. In view of the following arguments, it is believed that the claims of this application are patentable over the art of record.

The present invention provides a method for non-nitric acid passivation of stainless steel after non-nitric acid pickling. No single reference was cited that discloses each step of the independent method claims 1 and 39. More specifically, no reference has been found that discloses pickling stainless steel in the absence of nitric acid and passivating the pickled stainless steel also in the absence of nitric acid. Moreover, no single reference has been cited that includes the intermediate step of activating the stainless steel.

The Hall patent concerns the stabilization of an acidic coating compositions containing organic coating forming material. The composition itself is treated with an ion exchange material for removing metallic ions that cause the composition to become unstable. (Col. 2, lines 37-50). Thus, the Hall patent provides "a method for maintaining the coating-forming material in the composition stable except in the region of or adjacent to the metallic surface". It was recognized that Hall does not specifically contemplate a metal surface of stainless steel. Consequently, it is believed that Hall does not contemplate passivation to increase the chromium/iron ratio for better corrosion resistance, as achieved by Applicant's claimed invention.

Since Hall does not contemplate passivation of pickled stainless steel, there is no need or suggestion to combine Hall with either Lum or Rodabaugh. The Lum patent was cited as disclosing a process of applying an activation composition to activate iron surfaces. However, Lum does not teach an activation composition that has a higher affinity for iron than for chromium. Lum

1649-0008

discloses a composition for simultaneously cleaning and activating metal surfaces to receive a phosphate coating composition to be applied in a subsequent step of the process. The Lum activating composition is therefore composed of an aqueous solution of disodium orthophosphate and an activating metal, such as titanium, zirconium, lead or tin. (Col. 2, lines 50-55). Lum discloses the addition of a stabilizer to address problems associated with combining the activating composition with the alkaline cleaning composition for use at elevated temperatures. (Col. 2, lines 28-32). Since this composition of Lum is disclosed for use on iron, zinc, cadmium and aluminum, there is no suggestion that the stabilizer exhibits any affinity for any metal or alloy or that the stabilizer functions as an adjunct activating composition to the activating composition specifically disclosed in the Lum patent. Lum does not disclose the stabilizer, such as the carboxylic acids, as effective as an activating agent for stainless steel in preparation for a non-nitric acid passivation step.

The Rodebaugh patent was cited for its disclosure of pickling stainless steel without using nitric acid. As explained in the background of the present application, non-nitric acid pickling methods are known, and the Rodebaugh patent is representative of such methods. Rodebaugh itself discusses earlier pickling processes that do not use nitric acid. However, Rodebaugh does not discuss subsequent passivation of the pickled metal surface or provide any suggestion of following a non-nitric acid pickling step with a non-nitric acid passivation step. In spite of this knowledge of non-nitric acid pickling, neither Rodebaugh nor any of the other references of record disclose or contemplate a process for passivating stainless steel in the absence of nitric acid after pickling treatment in the absence of nitric acid.

There is nothing any of the cited references that discloses or suggests the combination of steps in Applicant's independent claims 1 and 39, and more particularly the steps of activating a stainless steel after an acid pickling treatment in the absence of nitric acid and then passivating the activated steel in the absence of nitric acid. Moreover, there is no motivation to pull select

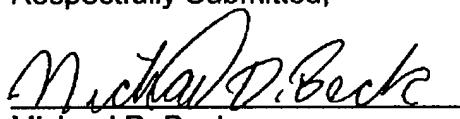
1649-0008

processes from each of the Hall, Lum and Rodebaugh references and combine these selected processes according to the teachings of Applicant's claims. It is only with hindsight that one would turn to each of these three references to find the individual processes steps that make up Applicant's claimed invention.

It is therefore believed that the claims of the present application are allowable as written. Action toward a Notice of Allowance is earnestly solicited.

Respectfully Submitted,

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